

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE**

UNITED STATES OF AMERICA,

Plaintiff,

v.

CHRISTOPHER MUCKLE,

Defendant.

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**No. 3:07-CR-122
(PHILLIPS/SHIRLEY)**

ORDER

This matter came before the court on defendant's motion to continue the trial date [Doc. 36] currently set for March 5, 2008. In support of the motion, counsel indicates that despite due diligence on the part of counsel, this case is not yet ready for a trial and additional time is needed to resolve all issues and properly prepare the case for final resolution. Counsel for the Government does not object to the requested continuance.

After carefully considering the position of the parties and after reviewing this entire file, the court finds that the defendant's motion for continuance [Doc. 36] is well taken and is **GRANTED**. Accordingly, this matter is **CONTINUED** from March 5, 2008 to June 30, 2008. In taking this action, the court finds that the ends of justice served by doing so outweigh the best interests of the public and this defendant in a speedy trial. *See* 18 U.S.C. § 3161(h)(8)(A). In particular, the court finds that the failure to grant a continuance of this length would likely result in a miscarriage of justice if defense counsel is not given adequate time to explore plea negotiations, after he further investigates this case, before trial. *Id.* Finally, the court finds that the failure to grant a continuance of this duration would deny counsel for the defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence, if all these matters are

not concluded well in advance of trial. *Id.* § 3161(h)(8)(B)(iv).

Thus, the court finds that the time period from the current trial date (March 5, 2008) until the trial of this case is fully excludable pursuant to the Speedy Trial Act.

ENTER:

s/ Thomas W. Phillips
UNITED STATES DISTRICT JUDGE